

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**In re Ethicon, Inc.
Pelvic Repair System
Products Liability Litigation**

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF EDWARD BLIZZARD FOR APPOINTMENT
TO PLAINTIFFS' STEERING COMMITTEE**

The undersigned, Edward Blizzard, of Blizzard, McCarthy & Nabers, LLP, Houston, Texas, submits his Application for Appointment to the Plaintiffs' Steering Committee, and respectfully shows the following:

My firm represents over one hundred women who have had mesh implanted in their bodies using the transvaginal method. Virtually all of them have serious, life altering injuries that have required surgical removal of all or part of the mesh. I have taken the depositions of three Johnson & Johnson corporate witnesses and am scheduled to take more. I plan to devote significant time and financial resources to this litigation because of the number of clients we represent and the nature of their injuries.

My law school training and some of my experience in mass pharmaceutical cases is listed below:

I received a J.D. from Baylor University School of Law, and graduated *cum laude* in 1978. I have been working on pharmaceutical and medical device cases for over 20 years. I have been appointed to leadership roles in most of the large MDL cases. My experience and

appointments reflect my ability, not only to try lawsuits, but to get things done by working cooperatively with both plaintiffs' and defense counsel.

In the Digitek litigation, MDL 1968, this court appointed me to the Plaintiffs' Steering Committee and I took the depositions of many of the senior executives of the defendant, Actavis. One of our cases was selected as the number one trial pick and it was the only case that Actavis settled prior to entering into a global settlement.

I was appointed by Judge Fallon in the Vioxx litigation, MDL 1657 to the six member Negotiating Plaintiffs' Committee ("NPC"). The NPC successfully negotiated the \$4.85 billion settlement with Merck after more than a year of settlement talks. Judge Fallon has also appointed me to the nine member Fee Allocation Committee, responsible for making recommendations to Judge Fallon concerning the allocation of common benefit fees. I also tried one of the MDL Vioxx bellwether cases before Judge Fallon.

In the Sulzer Hip Implant Litigation, MDL 1401, I was one of five lawyers appointed by Judge O'Malley to negotiate the \$1.2 billion settlement and I testified at the Fairness Hearing in support of the settlement. I also took most of the depositions of the corporate witnesses that were used in the only Sulzer case tried to verdict.

In the Diet Drug Litigation, MDL 1203, I was a Steering Committee member in the Texas State Court Litigation, and took a number of the key corporate witness depositions. The depositions that I took were played at trial in virtually every Fen-Phen case tried on the liability issue. I also personally tried several Fen-Phen cases.

Our firm recently served as liaison counsel for the Paxil birth defect cases consolidated in the Mass Tort Program in Philadelphia, PA. We took many of the key corporate witness depositions and substantially all of the Paxil birth defect cases have now settled.

I also served as the chair of the Plaintiffs' Steering Committee in the Ephedra Litigation, MDL 1598. Our firm took the depositions of the majority of the corporate witnesses from the various companies that sold Ephedra-containing products. There were only a couple of Ephedra cases that went to trial and I tried one of them.

In Silicone Breast Implant Litigation, I was a member of the Texas State Court Steering Committee and took many of the key corporate witness depositions. I was also co-counsel in the trial of two cases. After Dow Corning filed for bankruptcy protection, I was selected by the Tort Claimants' Committee to be the tort lawyer on the Committee. In that role, I was one of the chief negotiators of the \$3 billion Dow Corning settlement.

On January 26, 2011, I was appointed to the Plaintiffs' Steering Committee by the Honorable Judge David A. Katz, In Re: DePuy Orthopaedics, Inc. ASR Hip Implant Products, in the United States District Court Northern District of Ohio.

It is with a sincere appreciation of the obligations and responsibilities of the Plaintiffs' Steering Committee that I respectfully request the Court's consideration to be appointed as a member of that committee.

This 30th day of March, 2012.

By: /s/ Edward Blizzard.

Edward Blizzard, TBN: 02495000
Blizzard, McCarthy & Nabers, LLP
440 Louisiana, Suite 1710
Houston, Texas 77002
(713) 844-3750
(713) 844-3755 Fax
eblizzard@blizzardlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive notification in this MDL.

/s/ Edward Blizzard.
Edward Blizzard, TBN: 02495000